1: Orans E-5 (1957-1958) 1965
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any, and then begins to prepare a meal. Within the local lineage these visits are frequent, especially during festivals.

Rice and money are borrowed—always without interest—within the local lineage, though there are cases in which help is denied. Occasionally members may contribute funds so that a young member may obtain an education; however, prior to this century education was extremely rare among the southern Santal, among whom missionary efforts were not nearly so intense as among the northern Santal.

Though an entire local lineage is not likely to reside in a single village, the members inevitably live near one another. Typically, the founders of a village are members of a single local lineage. Members of this founding lineage thus tend to have more and superior land than later immigrants. In most instances the chief offices of the village, i.e., "village headman" and "village priest" belong to the founding lineage. The rule of primogeniture obtains, though upon the death of any officer the villagers must accede in the choice of a new officer. To what degree the villagers may in fact determine who shall fill the position is not clear, though there are cases in which an older son of a deceased headman or priest was passed over in favor of a younger son on the basis of alleged incompetence. Although the village must give its assent in selecting leaders—and to the decisions of leaders as well, since there is nothing more than the consent of the governed to support such decisions—important control of village affairs does lie within the control of the founding local lineage through its control of offices, superior wealth, and prestige.

In the traditional system, disputes within a village are brought to the attention of the headman by the contending parties. He may suggest some compromise if it is not a question

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622 of serious concern to the entire village. If his suggestion is not
692 accepted, or if the matter is of village concern, he may call together the so-called "Five People" (*mõre hoṛ*). The "Five People," obviously homologous with the Hindu *Panchayāt*, actually consist of as many married males from the village as wish to participate. After prolonged discussion, the headman will pronounce what he takes to be the general consensus and will ask if this is not acceptable. According to the traditional way of stating the matter, "all must agree" for a decision to be reached, but this requirement does not quite mean that all must be convinced that the decision is a good one.

626 To understand the nature of this consensus, which is an important element in Santal solidarity, one must consider the relation between morality and solidarity in the Santal view. For the traditional Santal, what the "people" say is good and true *is* good and true. Like other peoples, the Santal are not entirely consistent in this matter, but they do regard consensus as the basis of morality. Though the facts of any particular issue must be decided upon the basis of evidence presented, true moral rules are felt to lie in the matrix of the traditional cultural heritage. Thus, when it is a question of deciding what the rules are or ought to be, the "people" ostensibly consult the unwritten records of their tradition.

The Santal are well practiced in giving assent to what appears to be consensus. Thus it is quite proper to move from the minority to the majority viewpoint not because one ought to be accommodating or because one has seen the light, but rather because the voice of the people is the voice of tradition—and since the traditional is sacred, it would not be far wrong to say the voice of the sacred as well.

The practice of readily giving assent to prevailing views

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621 occasions, bury or cremate one another, assist each other during illness or scarcity, entertain one another, and make "pleasure" possible. They may hunt together, jointly stock some pool with fish and generally carry on the daily routine of work and leisure side by side. Santal kinship groups are important within the village, but they are not nearly so divisive as Hindu castes. Neither the clan, the sub-clan, nor the local lineage is endogamous nor so structured as to limit social relations with nonmembers. Indeed, all are exogamous and it is only the entire tribe which in some respects is equivalent to a Hindu caste. The Santal village is therefore more internally solidary than a Hindu village of the region, though many clans may be represented.

Though not formally so, the village is in practice almost completely exogamous. This is partially due to the close relations between villagers and to the feeling that if a man's in-laws, and particularly his brothers-in-law, are living in his village, he will have difficulty in "disciplining" his wife; to put it as the Santals do, "She will run home to her house all the time making trouble between her husband and her brothers."

[582] [593]

The tie to one's village is also supported by the attachment to the agricultural land which generally surrounds the few rows of houses and which is regarded as an integral part of the village. Besides the founding spirit of the village there are distinctive "boundary deities" (*sima boṅga*) marking the special attachment to one's own village.

622 628 692 As indicated earlier, the village is tied to about a dozen nearby villages in a quasi-judicial relationship. The head of this confederation is in many respects a multi-village headman. He is generally recruited from that local lineage which first migrated to the area; his tenure and appointment are subject to

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622 the approval of the villagers with whom he is associated; he
628 presides generally at disputes which cannot be settled within
• 692 a particular village, at inter-village disputes or at discussions of custom which are of concern to the entire set of villages under his jurisdiction; like the headman of a village, he is at most *primus inter pares*. Publicly he is little more than the voice of consensus, though privately his influence is that of an especially respected and powerful person.

69 The "justice" of the Santal, i.e., their institutionalized prac-
[577] tices as distinct from the desires of injured parties, places a strong premium on rendering decisions which will restore severed relationships and permit life to return to what it was
[681] before the dispute. The fee to the "court" is often as substantial as a judgment and must be paid by both parties. There is almost always encouragement to settle "out of court" by friends and officials. Fees paid to the "court" are generally spent to buy rice beer and viands so that after the bitterness of the contest both court and contestants join together in "pleasure," and all
[192] is as it was. These gatherings to settle disputes within the village are usually called "discussions" (*galmarao*); multi-village gatherings are known as *dorbar* (Hindi, *dorbar* = court).

584 Besides the judicial tie, each village is bound to a number of
621 others by marriage. Marriage procedures will be discussed at length but it is appropriate here to note that marriage is arranged with the aid of villagers and village officials as well as those associated by kinship and is of great interest and concern to the whole village. The ceremonies of marriage dramatize this concern, reflecting village solidarity in gaining and accepting a daughter or sorrowfully giving one up, as the case may be.

63 Beyond the multi-village judicial organization there are no
184 formally organized territorial units: however, regional cultural

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184 variation and specialization do exist even though there are few sharp boundary lines. There is one regular social event
224 which reflects and intensifies regional cultural and social inter-
628 connection; this event is an annual hunt followed by a large all-male gathering outside some village where performances largely humorous and/or "obscene" (in their eyes as well as mine) take place. The participants consist of teams generally from several villages within a vicinity, and they compete with other similarly constituted teams for the favor of the assembled
[273] throng. Like many such gatherings, it terminates with rice beer.

In most of the territory occupied by the southern Santal, game is so scarce that the hunting aspect of this yearly event has become *pro forma.* After the hunt and its rituals, the various teams proceed in a march-dance parade through different villages as they make their way toward the final gathering place
[534] where performances will be held. Vigorous drum-beating marks
[535] the progress of their procession, and the characteristic Santal male strutting in dance is particularly pronounced. Any game
[192] that has been shot is borne aloft on pole stretchers. The entire event is known as *Sendra.*

• [692] Several of my informants as well as the literature maintain that serious discussions of Santal customs and even settling of disputes that have escaped solution within the judicial units occur after the hunt. This was not the case at the one *Sendra* I attended. However this may be, the *Sendra* remains the largest and territorially the widest gathering of Santal, sometimes bringing together more than a thousand Santal living within a radius of about fifty miles.

596 Still to be considered are the intertwined components of the
592 extended and nuclear family. The term "extended family" is unfortunately one which has often been used very loosely; it

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177 traditional, uneducated elite and the ordinary Santal was not
564 nearly so great, nor relations between them so strained.

177 In addition to the borrowing tendencies which flow from
62 rank concession and the external pressure exerted on encysted
• 692 societies, there is another centrifugal tendency inherent in being an encysted society: political-judicial encroachment. The increasing jurisdiction of Hindu courts and "village *panchayat*" over affairs formerly handled endogenously are an example; there are also such benefits as the issuance of scholarships, health protection and treatment, digging of tube wells, etc. These encroachments on areas formerly managed by the traditional social organization diminish its authority and importance and serve to attach the Santal more firmly to the surrounding society.

ooo All of the borrowing tendencies which flow from rank concession plus external pressure and encroachment on encysted societies tend to diminish solidarity. If there were no countervailing forces, the world would long ago have become more culturally homogeneous and socially unified than it is. A highly potent force contributing to cultural distinctiveness derives from the necessity of preserving solidarity. Although the basis of solidarity has been widely explored by sociologists and structural anthropologists, there is one condition of solidarity-maintenance which has not received much attention, and it is decisive within the RCS. I refer to the relation between avenues of mobility, or rank paths, as I have called them, and the maintenance of solidarity: some rank paths support solidarity and some undermine or destroy solidarity. Emulation might be assigned to the class of destructive rank paths, but since it is never a successful path in the absence of political and/or economic power, it is not by itself likely to pose a serious threat

586 not join you two together, but for ever and always, like stone, like rock, until very old and white-haired, — now there is no guilt of ours; then as you two do not suit each other, what can we village people do? Now both of you consider in your heart, take warning for yourselves, otherwise some day in the future you might say about us: these people caused us to separate. Now then, you so and so, if you really will leave her for good, make your appeal to the Day spirit, the Five mountain spirits, the ancestors of old, and tear the leaves, or else, do not tear them.

Thereupon they make him stand on his left leg, and facing the sun-rise they make him raise his hands in supplication. Thereupon they give him three Sal-leaves[69]. He takes these, and with a piece of cloth round his neck he invokes the Day spirit and quickly tears the three leaves along the mid-ribs from the stalk to the top. Thereupon he turns round and with his right foot kicks over the loṭa with water and makes renunciation. And commencing from the village headman he salutes all there. The woman also salutes them in the same way.

[787] If the leaves are not torn straight along the mid-ribs when he tears them, people say, they are likely to meet again. And if the water in the loṭa does not all run out, then also they say, their affection has not been removed, perhaps they will again come together.

p. Outcasting.

684 Only because of two crimes the ancestors have made it a rule for us to outcaste people, viz., sexual intercourse with people of another race or with a non-permissible relative. If
692 anyone misbehaves in such a way, the village headman calls the headmen of the neigh-
696 bouring villages together and informs them. If it is proved, they inform the people of their respective villages saying to them: Don't eat and drink with so and so, or don't in the meantime get into marriage relations with them; otherwise you may be burnt by the same fire. But these people are not able to outcaste them; this is in the hand of the people of the country. Only when the matter is taken to the burnt forest, it is settled. At the council meeting during the hunt of the people of the country they publish the matter. If the Parganas, Dęsmąńjhis, Mąńjhis, and the people of the country do not get proofs, they punish those who have started the matter severely; but if it is proved, they order: Well, we shall fix used leaves in the ground for them. The young men of the country then compose songs, and going to the village they sing praising them and mentioning the names and sins of those who have committed the crime. All the people of the country enter the village street, blowing flutes and drumming kettle-drums, and in the street outside the house of the miscreants they fix in the ground a post to which

[69] Shorea robusta, Gaertn., the sacred tree of the Santals.

2: Skrefsrud M-5 (1870-1871) 1942 AW42 Santal AW42

used leaves, a burnt log of wood and a worn-out broom have been tied. The people of the village will remain included in the pollution, until they give what is needed for propitiation. They worry the miscreant very much. They do not give him fire, nor do they let the people of this house draw water at the common water-fetching place. Great hardship. 684 692 696

If the village headman meets them with a loṭa with water before the people of the country enter the village street, they do not sing the songs; but in any case they perform the outcasting.

q. Taking into society again.

Outcasted people, who can be taken into society again, do their utmost to provide what is necessary, that they may become members of society again. When they have made the necessary provisions, they inform the village headman, who tells the Pargana. The Pargana informs the Parganas of twelve countries. On the fixed day they assemble in the village. Outside they call a halt. The outcasted people have killed pigs and goats and make a big feast. All is ready. 684 783

Thereupon the outcasted man, having a loṭa with water in his hand, goes to the end of the village street. There he stands with a piece of cloth round his neck, keeping the loṭa with water on the palms of both his hands turned upwards and making supplication, and he looks very miserable and humble. The venerable old Pargana then says to the Parganas of the country and to the collected village headmen: Come along, let us console his soul; he looks very much in need of mercy. He thereupon leads them to the outcasted man. When they reach him, the outcasted man makes his worship to the Day spirit (Siñ boṅga) and says to them: O Father, I have sinned awfully, I acknowledge my fault, have mercy on me. Then the venerable old Pargana (formerly this was the right of the Murmu people) receives the loṭa with water from the hands of the outcasted man, and worshipping the Day spirit he says to the outcasted man: Because you have acknowledged your sin, we have taken over and taken on us all this (sin) of yours. Having rinsed his mouth with a little water he gives the loṭa to the others, to one after the other. All the leading men rinse their mouths with water from the loṭa.

Thereupon they enter the village. There the man washes the feet of all the leading men, in his courtyard. When he has done this, they sit down in rows beside each other to eat. The man thereupon pours rice out on the leaf-plates to them, one after the other. He sprinkles water on them; he gives them curry, and he puts down on their leaf-plates, for each of the Parganas five rupees, and for each of the village headmen one rupee, and for the headman of his own village he puts down five rupees.

Now they eat, and when they have done this, the venerable Pargana says to the people of the country: From to-day we have taken this man in among us as one of ourselves;

2: Skrefsrud M-5 (1870-1871) 1942 AW42 Santal AW42

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Santals plundered each other, because of the distress through lack of food. Thereupon the Europeans surrounded us; they drove us out, and to the villages Sikarpur and Ramkhuri.

Us men they caught and took every one of us to Dhasnia, the village of the landlord, that is to say, so many as they caught. Having kept us here for something like one month they brought us to Kumrabad near the Mor river. At that time the Europeans cozened us, they said to us: Why will you suffer? Tell who the Subę are; then we shall set you free now this moment. Then the country people told who they were. The Europeans caught the Subę; some of them they hanged there, and some they transported to an island[7]. A few they also set free. Sido had in the meantime died in the fighting, and Kanhu and his followers they caught afterwards. They hanged Kanhu and a couple others, and some, who knows how many, they transported to an island. Ram Mañjhi and Binud escaped. The Lieutenant Governor came and pecified us the people of the country; we returned to our respective villages.

During the insurrection we suffered severely. From Asar (middle of June to middle of July) for fully three months we lived in the hills at the foot of trees; rain was continually pouring down on us, and we were nearly dying from hunger, because of the gullet of the Subę Thakurs. During the insurrection many of us lost our cattle; therefore when we returned to our villages, we suffered much distress. There were no plough-cattle, there was nothing to eat, and the Dekos mocked us very irritatingly. We had again to fall into the hands of the same money-lenders. Some people unrighteously became rich during the insurrection by unlawfully taking possession of other people's cows and buffaloes.

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From after the insurrection the Europeans have appeared in the Santal country. First Telbor Saheb was our magistrate. At that time he judged our cases without charging money; but nowadays much money has to be paid in court-cases: the writers take a couple of rupees, the muktiar (pleader-babus) take earnest-money in advance, stamps have to be put on, and if the orderlies are not given a little, they push you straight away when you come, and if you do not go and have trouble three-four times, the case is not settled. This we feel a distress; otherwise the Europeans judge well.

[7] I. e. the Andamans.

3t Mukherjea O. Y-4,5 (ca. 1933-1939) 1962
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The Economic Background of Santal life

"Where shall I get the rice to brew beer?" pleaded a Santal accused in an excise case answering a charge of distilling spirits. It was pointed out that no excise rules prevented him from fermenting "hàndia," the home-made beer. "Where shall I get the rice?" the puzzling defence was hurled at the magistrate, sitting at the courts of Dumka, S. P.

Some time after, news trickled from Jamtara areas that some infuriated Santals ran after those who went to help them during a conflagration in their villages with bows and arrows, seeking to shoot them down. "We have nothing to eat, let fire take our houses too," was what they exclaimed, not that they could not understand the humanitarian services of the village fire-brigade.

Those were years of some scarcity no doubt, but the pictures afford us a glimpse of Santal economic life. They seem to have no power of resistance against a rainy day and think more of drinks to drown their sorrow, even if they have to infringe excise laws. In the Santal economic background poverty seems to loom large. No wonder that one of their folk-songs during the December Harvest Home has these telling lines:—

Dè ho durup'pè,[1]
Dè ho tèngònpè,

1 The full song has been incorporated in the chapter on Folk-poetry.

3t Mukherjea O. Y-4, 5 (ca. 1933-1939) 1962
AW42 Santal AW42

as the right hand of the headman in the exercise of his office.

Village-assembly and its powers and functions

Social authority in village is exercised by the Headman, but always in consultation with the "Mònɽèn hòɽ" (*panchayet*) who were originally five in number. At present the number is not so fixed. It comprises the village elders representing all the households. When any question for decision comes, the Headman or in his absence the *Paranik*, receives the complaint. If the matter is simple enough, it is decided immediately by the Headman with the help of the "Mònɽèn hòɽ," the members of whom are summoned by the village official, *gòḍet*. If the case involves knotty questions of tribal law, a date is fixed for decision when the parties adduce oral evidence and after due consideration, judgment is pronounced by the Headman.

To take a concrete case, supposing a man has been seriously wounded by another man's buffalo. In such a case tribal laws require the accused to pay a money compensation to the complainant. These judgments are bound to be obeyed and breaches are rare. After the judgment, there is a custom of a money payment being made to the judges by the accused, to be spent by them in feasts and drinks. In some areas, as in the *sadar* sub-division of Mayur-

3i Mukherjea O. Y-4, 5 (ca. 1933-1939) 1962
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In some areas, as in the sadar sub-division of Mayurbhanj, there is an interesting variation in the custom requiring both the complainant and accused to pay jointly for the feast of the judges, in the proportion of ten annas for the accused and six annas for the complainant in the rupee. Generally the "pañc" themselves eat the dinner; the public take no part in it. The contending parties then depart after a cordial mutual *johar* (salutation). In frivolous cases, the complainant has got to pay a fine himself. So we see that the Headman is not the sole repository of law in the eye of tribal jurisprudence to settle disputes; he must consult the "*Mòṇṛèn* hòṛ" to arrive at a decision.

The Headman with the assembly decides all matters of a socio-religious, legal and quasi-legal nature of the village. They are the fountain-heads of justice and custodians of Santal customs and manners, the first court of law both civil and criminal, for the Santal is generally averse to litigation in legally constituted courts, and prefers the arbitration of his village-elders.

To go into details, the Headman with his assembly will raise subscriptions for the public festivals like the December Harvest-Home, for religious feasts, and for offering libations to the deities of serious epidemics affecting the tribe. In all cases of marriage and funerals, the Headman and his advisory body must attend. Such ceremonies without them are unthinkable to the Santal.

3t Mukherjea O, Y-4, 5 (ca. 1933-1939) 1962
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623 without them are unthinkable to the Santal.
622 Similarly, when a man wants to accept a "ghàrdi
[606] jawanc" (domesticated son-in-law, if such a term is permissible), he calls in the village-assembly and informs them orally about his intention.

623 Besides, the Headman deals with breaches of all
622 social taboos by the Santals under his jurisdiction.
692 Thus, a woman getting upon a thatch, or taking
688 to the plough, a man sprinkling water on his elder sister-in-law on the conclusion of the flower-festival or a woman on her husband's elder brother and *vice versa*, are called upon by the Headman and his jury to answer the serious charges, thought to affect the well-being of the tribe and receive their proper share of punishment and a ceremonial purification before restoration to the tribal fold. There are various ways of such expiation as we shall see later on in course of this chapter; elaborate processes being gone through to cleanse the erring member
622 from his or her sin. The Headman and his council
623 are also the custodians of Santal customary laws in
692 the first instance, only they lack jurisdiction to try offences against the tribal totems. They have seisin even over crimes against the marriage law or forbidden degrees in sexual congress, if they are of a lighter nature, the natural venue of such trials being the higher courts as we shall soon see.

3t Mukherjea O. Y-4,5 (ca. 1933-1939) 1962
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Desh-pròdhan and his inter village council

The second court of appeal in Santal tribal law is presided over by a Desh-Pròdhan having jurisdiction over about twenty villages. The unwritten Santal procedure code requires that the president of the tribunal should be assisted by a "Mònjèn hòṛ" (village elders) representing the villages under him, as well as the Headman of the village from whom the case came by way of reference or from the appeal of the party aggrieved by the decision of the village court. The cases tried here on reference are generally complicated ones, as the case of an unmarried mother, the paternity of whose child the village Headman is unable to trace, and bigger social disputes about tribal customs or usage during religious or social functions. This higher tribunal sits only occasionally, being either convened by the president himself on his own initiative, or on being moved by the aggrieved party. Such a president is selected by the villages constituting his constituency, and he is irremovable till his death.[1]

1. As regards the reference to the *Desh-Pròdhan*, we had an interesting tug-of-war during our investigation in Mayurbhanj, when a *Pròdhan* (Headman) stoutly refused to admit that the aggrieved party himself had any right of appeal to the *Desh-Pròdhan*, maintaining that the court of appeal could only be set in motion by the Headman's reference alone. We undertook extensive inquiries but found the weight of opinion overwhelming against the claim of the Headman.

Bi Mukherjea O. Y-4, 6 (ca. 1933-1936) 1962
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Supreme Court of the Santals

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According to immemorial custom, the Santals join together in an annual hunt (*Lò bir sendra*) on the conclusion of the spring flower-festival, when opportunity is taken to discuss various questions affecting the social and religious problems of the tribe, and to decide the reference cases from the decisions of the *Desh-Pròdhans*.

Here grave social offences necessitating social excommunication and ostracism (*Bitlahà*), (as we shall see in detail very soon) constitute subjects of grave deliberation by the tribe. Such meetings are convened by the circulation of a mysterious notice by means of a knot tied to a rope as in Mayurbhanj, or a branch of *Sal* tree carried from *hat* (market) to *hat* (as in Santal Parganas). About the constitution of this privy-council, Dr. Campbell opines that a person, *Dihri* (the superintendent of the hunt), is also the president of the court which assembles in the evening, but all that our enquiries revealed in Mayurbhanj was that the Pargana, the Desh-Pròdhans of the tribe assisted by the elders called Desh-Panchayet, jointly deliberate together before declaring their verdict.

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This ancient institution, called in Santal lore *Sendra bir bichar* (a trial during a hunt at a forest) is almost extinct in Mayurbhanj, as wild games are protected by the State and no question of a tribal hunt

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arises ; and those days are no more when it was a regular feature of Santal life with the mass dancing and drinking associated with its conclusion. So it is that the Santals of Mayurbhanj have got a second string to their bow, in the form of a parliament during *Sakrat baske*, (*Mòkòrbasi*, on the second of Magh) in case the hunting assembly may not be convened for want of sufficient attraction.

Supreme council at Mòkòrbasi

This parliament of the *Desh-Pròdhans* is held at some halting place (*gadi* or *mukam*) towards the river Damodar to which the Santals journey to throw the bones of their dead relations in the holy river. Here it is that the people aggrieved by the decision of the *Desh-Pròdhans* appeal to the assembly of elders to reopen their cases and try them according to law. Frequently, these appeals are admitted and tried by the assembly of all the *Desh-Pròdhans* of the tribe in consultation with the elders. But here also only important questions relating to the payment of bride-price or restriction of conjugal rights form the subject-matter of the decisions of the supreme court.

Social taboos: Punishment for their breaches

While dealing with the village assembly and its powers and functions, we have observed that as

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614 684 Ever since the formation of the clans, while the early Santal fathers were migrating from Hihiṛi Pipiṛi to Harata and Sasaṅ beda, inter-marriage amongst the members of the clans was prohibited according to Santal traditions as we read in the *Hòṛkorèn Mare Hapṛamko Reak' Katha*. It meant that a Kisku boy could not marry a Kisku girl of the same totem and *vice versa*, nor could he marry within the prohibited degrees specially fixed by custom. If he did, the tribal customary laws required that he and she should be excommunicated. And this has still continued to be as rigid and inexorable as the laws of the Medes and Persians. Added to this, the marriage-laws required that Santal girls should never be given in marriage to non-Santals called *Deko* by the tribe, nor would they tolerate extra-marital unions.

684 622 692 According to Santal tribal laws, whenever a person is detected to have entered into a union falling into the categories described above, the Headman of the village is bound to inform the Headmen of the neighbouring villages to meet in a conference. At this meeting, evidence regarding the guilt of the parties is adduced; and if the case is *prima facie* proved, the Headmen circularise their respective villages to boycott the offenders by refusing to dine with them or by having any other social intercourse with them, till the case is finally

3t Mukherjea O. Y-4,5 (ca. 1933-1939) 1962
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decided. The penalty for non-observance of this law is that they would be socially ostracised themselves.

The venue of the final trial rests on the tribal chiefs and various other officials of the tribe who assemble together during their general hunting season in the month of Santal *Pata Cando* (swinging festival known as Còròk) At this big Santal assembly, the case is reopened and the parties are asked to adduce evidence in support of their case. If, however, the accused pleads guilty, there is an end of the matter, and he or she, as the case may be, is fined or ostracised. If the fine is not paid within the date fixed, ostracism takes place in lieu of fine.

When the parties are found guilty by the assembly, the Headman, who took cognisance of the offence initially, gets his credit, but if the evidence shows that the accused persons are not guilty, he is himself seriously punished.

When a verdict of guilt is passed, a general decree of excommunication is issued and a date is fixed for the ceremony. The date and place of *Bitlabà* is communicated through the entire tribe by means of a branch of a *Sal*-tree conveyed on the shoulders of a Santal from one village to another, from one market-place to another; outside their pale few know the significance of this mysterious notice.

3i Mukherjea O. Y-4,5 (ca. 1933-1939) 1902
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MAYURBHANJ

At Mayurbhanj

684 184 [579] Our enquiries at Mayurbhanj revealed the existence of this institution, the only difference being that no general unrest was reported within recent memory attending the execution of the tribal punishment, so as to endanger the peace of the land.

692 623 634 684 Here also the parties adduce evidence before the *Panchayet*, and more serious cases are referred to the inter-village council and thence, if necessary, to the Supreme Court during the tribal hunt or the parliament at *Mòkòrbasi*.

684 783 [346] The special feature of the Mayurbhanj programme includes installation of a *càndàl* (a temple-like structure made of *Sal* wood) in which straw or mud images of the delinquents are placed, whereas their clothes are hung outside. Then amidst music and beat of drums the ceremony of penance is performed.

Restoration to the Tribal fold

The men who are thus excommunicated are prohibited from any social intercourse with the others as dining and getting their children married. Thus harassed by the villagers, the boycotted persons sometimes leave the village to save themselves and their progeny from ignominy. The position of those who were outcasted for having sexual connexion with people of other races is the worst, for they are

3t Mukherjea O. Y-4,5 (ca. 1933-1939) 1962
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permeated the Santal mind. As a result, through disuse, the Santal has well nigh forgotten his old tribal law governing the disposal of property, real or personal. On closer enquiries from local lawyers we understood that the courts have uniformly upheld *Mitakshòra* Hindu Law as governing the Santal, both as substantive law and as principles of justice, equity and good conscience. A pleader[1] who handled the largest number of Santal clients told us that in his experience, the Santal has seldom tried to plead his personal tribal law. The only case he knew was decided at Panchpir about the year 1928, when local custom to the exclusion of daughter's rights of inheritance was seriously pleaded by the defendant agnate alleging *inter alia* that the daughter is not entitled according to tribal custom to offer *pindas* to her parents which only could constitute her right to property. But the evidence adduced in support of the custom was found insufficient, not ancient and invariable, a difficult proposition for a Santal to establish, and the court allowed the daughter's rights of inheritance on principles of equity. This case, said the pleader, was rather in the nature of an exception proving the rule that the Santal does not seriously plead his tribal custom in

1. Mr. Paresh Ch. Bose, pleader, Baripada.

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428 177 [62] [692] lawsuits, and even if he does rarely, he fails miserably to establish it.

So in the domain of partition and inheritance, we find that the sons share equally, the daughter succeeds when there is no son to the man who dies. The widowed mother has her rights of maintenance recognised at the hands of her sons. The sonless widow becomes the sole proprietor, and like the *Mitakshòra* widow, cannot alienate property without legal necessity.

Adoption (Pushapo)

597 The Santal who has no son can adopt a son in Mayurbhanj. The adopted son is generally a relation and rarely unrelated. The adoption is made in the presence of the Headman and the Panchayet. Now, occasionally, proceedings are recorded in writing, but previously everything was oral. The devolution of [177] [428] property follows the *Mitakshòra* branch of Hindu law.

Ghar-Jamai

428 184 606 As in the Santal Parganas, the Santals of Mayurbhanj have the custom of providing for their daughters through the institution known as "domesticated son-in-law" (Ghar Janwane or Ghardi Janwane: there is however a subtle difference between the two). His rights here are essentially the same as 428 606 in S. P. So if there be a son, and such a son-in-law

retired to the Rajmahal Hills. In 1851 Captain Sherwill found 83,265 Santals in Daminikoh alone. 175 167 14 [162]

Santal Rebellion (Hul) of 1855. Mr. Buchanan Hamilton has mentioned in his unpublished manuscipt that "the Santals has settled in the Dumka sub-division by 1809 having come last from Birbhum in consequence of the annoyance which they have received from its Zamindars". In 1818 Mr. Sutherland found them engaged in clearing the jungles under the hills in Godda sub-division. Mr. Dunbar, Collector of Bhagalpur, mentioned that by 1836 about 427 villages had been established by the Santals in the Damin area.

These Santals of the Daminikoh in the year 1855 became rebellious. The chief cause of this rebellion was the oppression of the Mahajans, the Darogas and the corruption of the Amlas. These Mahajans gave the Santals money as a loan with high interest and one he had contracted a debt he had little chance of escape, because if his creditor sued him, the Santals could not produce any authentic record, whereas the creditor had his ledgers and day book. These Mahajans sometimes without going to court to realise his capital and interest, sent his agents to take away their cattle forcibly. The Santals bore this oppression thinking that it was useless for them to obtain redress against the wealthy Mahajans, besides that had not enough money to pay the Amlas and Pleaders in the Court. If they approached the Court and loged a complaint against these Mahajaus, they only got an order on the police to enquire and report, but the police generally sided with the Mahajans and submitted reports in their favour. [1 Erratum: i.e., "once". 2 Erratum: i.e., Mahajans. -- Analyst] 175 648 669 426 [692] [625]

4: Biswas D, E-3, 4 (1931-1945) 1956
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175 648 669 426 The Santals of the Damin complained that they got different treatment than their neighbours the Suria Paharias and the Mal Paharias, and that the Santals who were living outside the Damin areas, were better off. Inside Damin the Zamindars ousted their Santal tenants from the lands they had cleared, although these lands had been settled with them by the Zamindars on long leases at low rates, on condition that they would clear the jungles. But as cultivation extended, the non-Santals forced the Santals to till some of their lands and thus they gradually extended their holdings, and ultimately appropriated the best portion of the lands in the village by exacting mortgages in return of loans. Thus the Santals moved to other parts where they settled by clearing fresh jungles and establishing new villages. Again they were forced to leave the villages. When the Santals lodged complaints against the Mahajans in the court, no steps were taken by the executive (naibs, darogas etc.) as they were ready instruments in the hands of the Mahajans. The Santals who took loans from the Mahajan, could not pay in cash but worked out their debt by personal services, thus they became slaves in the hands of the creditor. The sons and daughters or his other nearest relations were also liable for this sort of service.

• [692]

175 648 669 Due to all these oppressions the Santals were very much annoyed, and as a result of this in 1854 they attacked the houses of some Mahajans at night. The authorities caught them and treated them as dacoits. They were tried and convicted although they protested against it. After a year, again the same thing was repeated but this time the Government released them as it appeared that the crime was due to the oppression

1 [Erratum: this should read "Sauria". Cf. errata sheet, category 116, p. x -- Analyst]

4: Biswas D, E-3, 4 (1931-1945) 1956
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754 very late he met with a crowd of witches standing under
539 a hollow Mowah tree.

He managed to struggle free and run away. Two days after this those witches caused him to fall from a tree and break his arm. *Ojhas* failed to cure him The arm stiffened and maggots formed and in a few days Jebra became speechless and died.

683 How strong the belief of witchery amongst the Santals is even today can be easily judged from the following case of actual witch-murder reminding us of England and Europe, a few centuries ago.

A Santal of the name of Mangal Soren of the village of Bijapur, in the district of Santal Parganas, murdered a Santali woman of the name of Gaura Murmu believing her to be a witch who had caused the death of Rajam
•[692] a Santali, through her witchcraft. The case was heard at the Patna High Court by Justices Kulwant Sahay and Sir T. S. Macpherson on 5th January, 1933 He (Mangal Soren) was convicted and sentenced to death.[1]

756 **Spirit Doctor—the Santal Ojha**

A type of Shamanism is present in full swing amongst the Santals though the authority of the headman is always respected. The Shamans among the Santals have degenerated into mere physicians with higher types of knowledge which in its theory entails communication and, partly, control of the supernatural world. Thus when the herbal doctor fails, men with knowledge of divination and favoured

1. Reported in a Calcutta daily, paper Amrita Bazar Patrika 7th Jan. 1933.

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The organization which binds groups of villages together is loose by comparison with the village system. The Santals distinguish between the various sections of the country in which their villages are situated, calling them *parganas*. Each *pargana* has a distinctive name, which may be either the name of a village situated within its borders or a general name. Over each of the *parganas* a *parganath* is supposed to have jurisdiction. McAlpin's report, the result of an inquiry instituted by the Bengal Government which led to the Tenancy Amendment Act of 1918, in addition to its main purpose of suggesting measures for the protection of Santal lands, dealt also with the condition of the Santal village system. McAlpin reported that the *pargana* system was far gone in decay, and it is not possible to question his conclusion. Binu Hāsdāk' of Tantidanga, late *parganath* of the Sarenga area, was typical of his class. His mind was well stored with the customary law of the tribe, and from time to time he was called in by nearby villages to help more particularly with disputes arising out of marriage tangles. He was personally popular and had some prestige as the possessor of valuable remedies against sickness, but on his own confession his authority was of a very limited kind. "What can I do", he once said, "unless the people of the village are agreed?" There is the crux of the situation; in the village, public opinion is a wellnigh irresistible force. Binu used, nevertheless, to go happily about his errands, for among other advantages which accrued he received a fee amounting to one rupee four annas when a guilty party was fined.

Kinship ties share with the well-knit village system the governance of the Santal's daily life, regulating his relationships with his fellows. The tribe is divided into clans, and each clan is again divided into sub-clans. The clan descends through the father, and when girls marry they are taken into the clans of their husbands. The clans have a totemistic basis and they are exogamous. Land is conceived of as belonging to the clan. Although individual and family ownership is now the rule, Santals will not countenance the transfer of land from one clan to another. The one exception for which allowance is made has been forced on them by economic necessity; it occurs in the case of a man without sons who brings his daughter's husband into his own house to carry on the cultivation, the son-in-law thereby acquiring rights in the property for descendants. The rights conferred by Hindu personal law on daughters in the property of their fathers or on wives in the property of their

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that reason. Gradual deforestation and the absence of any effective protection for wild animals account for the present scarcity. Leopards, once present in great numbers, are now rare, though black bears are still relatively common. Some of the smaller kinds of Indian deer are found. It is many years since a tiger was killed in the Bankura district. Wild pigs are abundant, and so is the jungle hare, and there are many species of bird whose flesh is prized by the Santal. Every male of the tribe is an expert with the bow and arrow, and he is trained in its use from early childhood. The village parties hold together; they carry their own rations of rice and dried *matkom* cake for the night meal, and they are accompanied by their sleek and well-fed dogs. The men are dressed in loin-cloths, but they wear turbans roughly wrapped round their heads for protection against the heat of the sun. Some of the younger boys carry drums instead of weapons. The drums are used to swell the noise in the forest as the animals are driven closer towards the centre and to signal a kill, but they are also needed for the dancing that will follow. The flesh of the animals is distributed according to a regular code, though the rules are passing from use and now it is usual for the stronger of two parties to take the flesh of a kill when it is in dispute. The man who draws first blood receives the *madol*, consisting of one hind-leg, a part of which he must give to the headman of his village. If the man who first touches the animal belongs to a different village, he receives a shoulder; if it has been slain by yet another person than the one who drew first blood, the slayer receives five ribs, one fore-leg and the liver. The *dihri* receives the neck, and the remainder of the flesh goes to the co-villagers of the man who wounded the animal and not of the man who killed it. When the meat is distributed among the villagers, those who carry drums receive a double portion, and some of the meat is given to the dogs.

By evening several hundred men gather in the place where they are to spend the night. Camp fires are lit near some watercourse, and the moon rises slowly over the graceful palms that fringe the water and the belt of *sarjom* trees beyond. For some it is a night of hard work, for others it is a night of revelry. The elders from all the villages are gathered together for this one night during the year and form the supreme council of the tribe. The disputes which have baffled their several efforts in the course of the year are brought forward. Complaints involving members of more than one village are voiced and range

5t Culshaw M-5 (1932-1943) 1949 AW42 Santal AW42

over a wide field, involving inheritance, marriages and instances of indiscipline. Members are allowed to appeal against decisions made in village councils. Punishments inflicted range from outcasting to fines, and crude punishments are sometimes exacted on the spot, as in a case of a youth who had transgressed the rules of behaviour towards a woman relative with whom he was not in a joking relationship. He was compelled to drag his nose along a line of urine provided by the village headman whose authority had been flouted. The hearing of cases continues till the small hours of the morning and the discussions appear interminable, with accusation and counter-accusation, the calling of witnesses and references to tribal law and custom. It is, however, one of the great educating and cementing institutions in the life of the tribe. It is known to them by the name of "high court", a name that has been naturalized in most Indian languages. It is also called the *sendra durup'*, the hunt sitting, and the *lo bir durup'*, the burnt forest sitting, the latter name being due to the fact that the hunt takes place when the undergrowth in the forest has been burnt to help the fertilizing of the soil.

Meanwhile, when the evening meal is over the young men gather in another part of the clearing and spend the night in revelry. There is much strong liquor in evidence. In some cases the place of meeting has become the site of a government liquor shop. The dances, of a class known as *doŋgeŗ*, are men's dances, and the songs, known as *bir*, or forest songs, are men's songs. They are frankly coarse and deal largely with the physical aspects of love, courtship and lust. Many of the songs that are sung on this night are never sung by the Santals in any mixed company, or, indeed, at any other time, a fact that indicates among them a standard of delicacy in sexual behaviour which certain modern schools of thought appear at times to deny to primitive people.

Towards morning some of the folk, young and old, rest for an hour or two of much-needed sleep, but when the sun has risen they take some breakfast and begin to disperse. They make their way to their own villages, hunting as they go; but on this second day the proceedings are apt to be unexciting, for they do not find much to kill. By late afternoon the men are home again with their spoils, and when these have been divided they work off their fatigue in sleep.

The supposed monotony of the struggle for a livelihood is broken by so many devices of nature and of man that it is